

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 28, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-4, 7-8, 11 and 13-16 remain in this application, where claims 9-10 and 12 had been previously canceled without prejudice and claims 5-6 have been currently canceled without prejudice. Claim 1 is independent.

In the Office Action, claims 14-16 are rejected under 35 U.S.C. §112, second paragraph for a certain informality. In response, claims 1 and 14-16 have been amended to remove the noted informality. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-8, 11 and 13 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2003/0214857 (Horie) in view of U.S. Patent Application Publication No. 2002/0168587 (Sakaue). It is respectfully submitted that

claims 1-4, 7-8, 11 and 13-16 are patentable over Horie and Sakaue for at least the following reasons.

Horie is directed to a phase-change recording material used for information recording medium. As shown in Tables 3 and 5, the Horie recording layer include a metal M1 which may be In, Pd, Pt, Ag, Tb, and Gd.

It is respectfully submitted that Horie does not disclose or suggest the present invention as recited in independent claim 1, which, amongst other patentable elements, recites (illustrative emphasis provided):

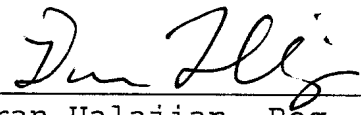
wherein the recording layer additionally
comprises Cu in a concentration up to 10 %.

A recording layer that includes Cu in a concentration up to 10% is nowhere disclosed or suggested in Horie. Sakaue is cited to allegedly show other features and does not remedy the deficiencies in Horie. Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-4, 7-8, 11 and 13-16 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643